

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7455**

**BILL NUMBER:** HB 1697

**NOTE PREPARED:** Jan 6, 2005

**BILL AMENDED:**

**SUBJECT:** Distribution of Electoral Votes.

**FIRST AUTHOR:** Rep. Avery

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State

**Summary of Legislation:** This bill has the following provisions:

(A) It provides that electors for President and Vice President of the United States are chosen so that the candidate for President receiving the greatest number of votes in a congressional district receives the vote of one Indiana Presidential elector.

(B) It provides that the candidate for President receiving the greatest number of votes statewide receives the vote of two at-large Presidential electors.

(C) It requires a Presidential elector representing a congressional district to vote for President and Vice President of the United States the candidates who receive the greatest number of votes in the congressional district.

(D) It requires an at-large Presidential elector to vote for President and Vice President of the United States the candidates who receive the greatest number of votes statewide.

(E) It provides that an elector who fails to vote for the candidates for President and Vice President of the United States for whom the elector is required to vote commits a Class B misdemeanor.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** There are no data available to indicate how many electors may be convicted of failing to vote for the President and Vice President of the United States for whom an elector is required to vote. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106.